

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DWIGHT ABERNATHIE,)
)
 Plaintiff,)
)
 v.) No. 4:23CV1044 HEA
)
)
 CARL HART, et al.,)
)
 Defendants.)
)

CASE MANAGEMENT ORDER - TRACK 5B: PRISONER STANDARD

Pursuant to the Civil Justice Reform Act Expense and Delay Reduction Plan and the Differentiated Case Management Program of the United States District Court of the Eastern District of Missouri,

IT IS HEREBY ORDERED that the following schedule shall apply in this case, and will be modified only upon a showing of exceptional circumstances:

I. SCHEDULING PLAN

1. This case has been assigned to Track 5B (Prisoner Standard).
2. The parties agree that the pleadings may need to be amended to substitute the names of Doe-defendant corrections officers once such defendants' identities are ascertained through discovery, and as necessary to conform the pleadings to evidence produced in discovery.
3. No later than **March 27, 2024** each party shall disclose to the other party the following:
 - (a) Plaintiff shall submit to the defendant a list, including addresses, of all persons having knowledge or information of the facts giving rise to plaintiff's claim.
 - (b) Plaintiff shall submit to the defendant all documents that plaintiff believes mention, relate to, or in any way support plaintiff's claim.
 - (c) Defendant(s) shall submit to the plaintiff a list of the names and home or business addresses of all persons having knowledge or information of the facts giving rise to plaintiff's claim, subject to the following exception. In the case of persons no longer employed by the relevant governmental or other entity, defense counsel may, in lieu of providing an address, state that the person may be contacted through defense counsel; defendant(s) shall provide home and business addresses for such persons to the United States Marshal on an ex

parte basis, if requested by the Marshal or ordered by the Court.

(d) Defendant(s) shall provide a description, by category and location, of all documents which are relevant to the facts giving rise to plaintiff's claim. Defendant(s) shall, at their option, provide copies of the described documents to the plaintiff, or allow plaintiff to inspect the documents and obtain copies, with the following exceptions. Defendant(s) need not produce individual files of other prisoners who are not parties to the action. Defendant(s) may object to the disclosure of documents by serving written objections upon the plaintiff, in lieu of producing the documents to which the objections apply.

Failure to make the above disclosures may result in sanctions, including dismissal, entry of default judgment or any other sanction that the Court deems just.

4. Each party may immediately engage in discovery under the Federal Rules of Civil Procedure without waiting for disclosure, but all discovery in this case must be completed by **August 30, 2024**. Parties shall file motions to compel in a prompt manner and in no event after the discovery deadline.

5. Defendants are granted leave of Court, pursuant to Rule 30(a), Fed. R. C. P., to take the deposition of plaintiff, upon reasonable notice.

6. The Court will not entertain any motion to stay discovery or disclosure based upon the defense of qualified immunity unless such a motion is accompanied or preceded by a detailed brief setting forth the specific factual and legal reasons (with appropriate case citations) qualified immunity applies to this case.

7. Any motion for summary judgment must be filed no later than **September 30, 2024**. Opposition briefs shall be filed no later than **October 30, 2024** and any reply brief may be filed no later than **November 14, 2024**. Failure to timely file a motion for summary judgment will waive a party's right to do so before trial.

This order specifically preempts any provision of local rule to the contrary. It is anticipated that if a summary judgment motion is filed, the case will not be set for trial until after the motion has been ruled upon. If no motion for summary judgment is filed by the date set above, the case will be set for trial forthwith.

Dated this 2nd day of July, 2024.


HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE